GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Home Department – Sri G.Raja Veera Venkata Satya Anjaneya Swamy, former Sub-Inspector of Police, at East Godavari District - Dismissed from service – APAT orders dt.01.04.2016 setting aside the orders of dismissal from service – Govt., decided to implement the orders of APAT – Orders – Issued.

HOME (SC.A) DEPARTMENT

G.O.RT.No. 295 Dated: 10-04-2017

Read the following:

1) G.O.Ms.No.258, Home (SC.A) Department, dated:29-09-2010.
2) Judgment in O.A.No.8909/2010, dated:01.04.2016 by Andhra Pradesh Administrative Tribunal.
3) Representation from Sri G.R.V.V.S Anjaneya Swamy, SI opolice (Retd.,),dated:17-04-2016.
4) From the DGP, A.P, Letter Rc.No.1269/T1/ACB/2008-2009 dt. 12.05.2016.
5) From the DG, ACB Lr.Rc.No.38/RCA-REG/1996-S10 dt. 14.12.2016.

<<>>

ORDER:-

In the G.O. first read above, orders were issued imposing the punishment of "dismissal from service" on the Accused officer Sri G.Rajah Veera Venkata Satya Anjaneya Swamy, Sub-Inspector of Police, formerly at East Godavari Distrct, with immediate effect, in terms of the orders issued in G.O.Ms.No.2, General Administration (Ser.C) Department, dated: 04.01.1999, consequent on the charges held proved in the disproportionate assets case in the Tribunal for Disciplinary Proceedings enquiry.

2. In the reference third read above, Sri G.R.V.V.S Anjaneya Swamy, SI of police, (Retd.,) has submitted a representation, stating that on his filing of O.A.No.8908/2010 in the Hon'ble APAT seeking a direction to set aside the impugned orders passed in G.O.Ms.No.258, Home (SC.A) Department, Dt.29.09.2010, the Hon'ble Tribunal in its orders dt.01.04.2016 while allowing the O.A. set aside the said G.O with a direction to the respondents to release consequential benefits to him by regulating the period of his suspension/ dismissal from service, if any in accordance with the rules.

3. The Director General of Police, Andhra Pradesh, in his letter 4th read above while enclosing the APAT orders dated:01.04.2016 has informed that APAT in its orders has observed that the Tribunal for Disciplinary Proceedings held the applicant guilty by relying upon section 161 Cr.P.C. statements of witnesses recorded by the ACB authorities during the course of investigation and that the TDP ought not to have acted upon the 161 Cr.P.C statement of the witnesses which are not substantive piece of evidence as per the settled law unless the contents of which are supported by the witnesses before the court/tribunal. In this case, the witnesses have not supported their earlier version before the Tribunal. As such, the APAT observed that the evidence placed in proof of ownership of the applicant in item Nos. 2,4,13,14,16 and 18 by the disciplinary authority was not justified. Hence the APAT observed that the disproportionate assets said to be owned by the applicant by the TDP is to an extent of Rs.4,45,566.24 ps. But the value of property which is now excluded from his ownership comes to Rs.8,42,000/- (item Nos.2,4,13,14,16 and 18).Thus, it is clear that there were no disproportionate assets in his possession. The Disciplinary authority ought to have seen whether the findings of the Enquiry Officer are based on evidence or not, but mechanically accepted the findings of the Enquiry Officer ignoring the explanation of the applicant. Hence the APAT held that the penalty imposed against the applicant is unsustainable.

(PTO)

4. In view of the above , the APAT accordingly set aside the orders of the Government issued vide G.O.Ms.No.258, Home(SC.A) Dept., dt.29.09.2010 with a direction to the respondents to release consequential benefits to the applicant by regulating the period of suspension/dismissal from service in accordance with rules. The Director General of Police, Andhra Pradesh, has therefore requested to issue appropriate orders in the matter as per the orders of the APAT.

5. Government after careful examination of the entire matter and as per the legal opinion obtained vide reference 5th read above, have decided to implement the orders of Hon'ble APAT in O.A.No.8908/2010 dated:01.04.2016 and accordingly, hereby order to drop the charge of disproportionate assets against Sri G.R.V.V.S.Anjaneya Swamy, formerly Sub-Inspector of Police. Consequently , the suspension period from service shall be treated as on duty and the dismissal period shall be regulated as leave including extraordinary leave for which he is due and eligible. Accordingly, the normal date of his retirement from service w.e.f., 31.08.2011 shall be notified and extended all retirement benefits due to him.

6. The Director General of Police, Andhra Pradesh, Vijayawada, shall take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.R. ANURADHA
PRINCIPAL SECRETARY TO GOVERNMENT

To,
The Director General of Police, Andhra Pradesh, Vijayawada.
Sri G. R.V.V.S.Anjaneya Swamy, former Sub-Inspector of Police, R/o.1-3-4, Kondayyapalem, Srinagar colony, Kakinada, East Godavari District.
Copy to:
The Director General, Anti Corruption Bureau, Andhra Pradesh, Vijayawada.
The Andhra Pradesh Vigilance Commission, Secretariat.
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER